

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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	:
JASON GOODMAN,	:
	:
	: No. 21 Civ. 10878-AT-JLC
Plaintiff,	:
	: <i>Pro Se</i> Case
-against-	:
	:
	:
CHRISTOPHER BOUZY, et al.,	:
	:
	:
Defendants.	:
	:
-----	X

**NOTICE PURSUANT TO LOCAL CIVIL RULE 12.1**

Pursuant to Local Civil Rule 12.1, Defendants Christopher Bouzy, Bot Sentinel Inc., Seth Berlin, and Maxwell Mishkin respectfully provide the following notice to *pro se* Plaintiff Jason Goodman and attach hereto the full text of Rule 56 of the Federal Rules of Civil Procedure.

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**NOTICE TO PRO SE LITIGANT WHO OPPOSES A RULE 12 MOTION  
SUPPORTED BY MATTERS OUTSIDE THE PLEADINGS**

The defendant in this case has moved to dismiss or for judgment on the pleadings pursuant to Rule 12(b) or 12(c) of the Federal Rules of Civil Procedure, and has submitted additional written materials. This means that the defendant has asked the Court to decide this case without a trial, based on these written materials. You are warned that the Court may treat this motion as a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. For this reason, **THE CLAIMS YOU ASSERT IN YOUR COMPLAINT MAY BE DISMISSED WITHOUT A TRIAL IF YOU DO NOT RESPOND TO THIS MOTION ON TIME** by filing sworn affidavits as required by Rule 56(c) and/or other documents. The full text of Rule 56 of the Federal Rules of Civil Procedure is attached.

In short, Rule 56 provides that you may NOT oppose the defendant's motion simply by relying upon the allegations in your complaint. Rather, you must submit evidence, such as witness statements or documents, countering the facts asserted by the defendant and raising specific facts that support your claim. If you have proof of your claim, now is the time to submit it. Any witness statements must be in the form of affidavits. An affidavit is a sworn statement of fact based on personal knowledge stating facts that would be admissible in evidence at trial. You may

submit your own affidavit and/or the affidavits of others. You may submit affidavits that were prepared specifically in response to defendant's motion.

If you do not respond to the motion on time with affidavits and/or documents contradicting the facts asserted by the defendant, the Court may accept defendant's facts as true. Your case may be dismissed and judgment may be entered in defendant's favor without a trial.

If you have any questions, you may direct them to the Pro Se Office.

\* \* \* \* \*

Respectfully submitted,

BALLARD SPAHR LLP

By: /s/ Seth D. Berlin  
Seth D. Berlin (SB7978)  
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*Counsel for Defendants Christopher Bouzy,  
Bot Sentinel Inc., Seth Berlin, and Maxwell Mishkin*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of January 2023, I caused true and correct copies of the foregoing Notice Pursuant to Local Civil Rule 12.1 and the attachment thereto to be served by email and U.S. Mail First Class on the following:

Mr. Jason Goodman  
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*Plaintiff*

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*Defendant*

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*Defendant*

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*Defendant*

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*Defendant*

/s/ Seth D. Berlin  
Seth D. Berlin (SB7978)